

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

MONDAY, THE TWENTY FOURTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO
WRIT PETITION NO: 4097 OF 2025



Between:

1. Majji Appala Narasamma, W/o Musalaiah, Aged 78 years, R/o Jaganadhapuram, Gollalapalem Revenue Village, Sabbavaram Mandal, Anakapalli (Erstwhile Visakhapatnam) District.
2. Mopada Appala Narasamma, W/o Raminaidu, aged 65 years, R/o Jaganadhapuram, Gollalapalem Revenue Village, Sabbavaram Mandal, Anakapalli (Erstwhile Visakhapatnam) District.
3. Siddha Laxmi, W/o Sattibabu, Aged 48 years, R/o Jaganadhapuram, Gollalapalem Revenue Village, Sabbavaram Mandal, Anakapalli (Erstwhile Visakhapatnam) District.
4. Senapathi Varalaxmi, W/o Chinnarao, Aged 55 years, R/o Jaganadhapuram, Gollalapalem Revenue Village, Sabbavaram Mandal, Anakapalli (Erstwhile Visakhapatnam) District.
5. Bobbari Ramanamma, W/o Apparao, Aged 50 years, R/o Jaganadhapuram, Gollalapalem Revenue Village, Sabbavaram Mandal, Anakapalli (Erstwhile Visakhapatnam) District.
6. Bonda Kanaka, W/o Apparao, Aged 54 years, R/o Jaganadhapuram, Gollalapalem Revenue Village, Sabbavaram Mandal, Anakapalli (Erstwhile Visakhapatnam) District.
7. Boddu Malleswari, W/o Apparao, Aged 40 years, R/o Jaganadhapuram, Gollalapalem Revenue Village, Sabbavaram Mandal, Anakapalli (Erstwhile Visakhapatnam) District.

...Petitioners

AND

1. The State of Andhra Pradesh, Represented through Principal Secretary, Department of Panchayat Raj and Rural Development, Velagapudi, Amaravati, Guntur District.
2. The State of Andhra Pradesh, Represented through Principal Secretary, Department of Revenue, Velagapudi, Amaravati, Guntur District.
3. The District Collector, Anakapalli (Erstwhile Visakhapatnam) District.
4. The Revenue Divisional Officer, Anakapalli, Anakapalli (Erstwhile Visakhapatnam) District.
5. The Tahsildar, Sabbavaram Mandal, Anakapalli (Erstwhile Visakhapatnam) District.
6. Gollapalem Gram Panchayat, Rep.by its Secretary, Gollalapalem, Sabbavaram Mandal, Anakapalli (Erstwhile Visakhapatnam) District.

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the high handed and illegal action on the part of the respondents in attempting to demolish the residential houses of the petitioners and to dispossess them from their possession and enjoyment of their respective house sites situated in an extent of 100 Sq.Yards each covered by Sy.No.206 of Gollalapalem Revenue Village, Sabbavaram Mandal, Anakapalli (Erstwhile Visakhapatnam) District without issuing any notice, without conducting any enquiry and without passing any order as illegal, arbitrary, unjust, malafide and against the principles of Natural Justice besides violation of Article 14, 21 and 300-A of Constitution of India and to consequently direct the respondents not to interfere with the possession and enjoyment of the petitioners in any manner including the demolition of houses and structures and their dispossession from the subject house sites in the interest of justice.

IA NO: 1 OF 2025

Petition under Section 151 of CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents not to interfere with the residential houses and structures of the petitioners situated in an extent of 100 Sq.Yards each covered by Sy.No.206 of Gollalapalem Revenue Village, Sabbavaram Mandal, Anakapalli (Erstwhile Visakhapatnam) District, in any manner including the demolition and dispossession, Pending disposal of WP 4097 of 2025, on the file of the High Court.

The Petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI K JYOTHI PRASAD Advocate for the Petitioners, and of GP FOR PANCHAYAT RAJ RURAL DEV, for the Respondent No.1, and of GP FOR REVENUE, for the Respondent Nos.2 to 5, and of SRI Y.KOTESWARA RAO, Standing Counsel for the Respondent No.6, the Court made the following

ORDER:

The present writ petition is filed aggrieved by the action of the respondents in entering into the possession and enjoyment of the petitioners' property without following the procedure as established by law, which amounts to violations of Article 14, 21 and 300-A of the Constitution of India.

When the matter was listed on 17.02.2025, this Court directed the learned counsel for the respondents to secure instructions and to list the matter today i.e., on 24.02.2025.

Today when the matter is listed, the learned counsel for the respondents are unable to secure instructions in the matter.

It is the contention of the learned counsel for the petitioners that Mandal Revenue Officer has issued possession certificates to the petitioners to an extent of 100 square yards each situated in Survey No.206 of Gollalapalem Revenue Village, Sabbavaram Mandal, Anakapalli (Erstwhile Visakhapatnam) District, and house constructed in and around 100 square yards in the land assigned by the Government no permissions from gram panchayat is required for construction.

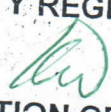
Learned counsel appearing for the respondents would submit that the petitioners have constructed houses without obtaining any permission from the Gram Panchayat and requested some time to secure instructions.

As the learned counsel for the petitioners pleaded threat of dispossession of the petitioners and in view of the possession certificates issued by the Mandal Revenue Officer, this Court directs the respondents not to take any coercive steps against the subject properties, for a period of six weeks.

List the matter after four weeks.

In the meanwhile, learned counsel for the respondents are directed to secure instructions.

Sd/- K.TATA RAO
DEPUTY REGISTRAR


SECTION OFFICER

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Principal Secretary, Department of Panchayat Raj and Rural Development, State of Andhra Pradesh, Velagapudi, Amaravati, Guntur District.
2. The Principal Secretary, Department of Revenue, State of Andhra Pradesh, Velagapudi, Amaravati, Guntur District. (Addressees 1 & 2 by Special Messenger)

3. The District Collector, Anakapalli (Erstwhile Visakhapatnam) District.
4. The Revenue Divisional Officer, Anakapalli, Anakapalli (Erstwhile Visakhapatnam) District.
5. The Tahsildar, Sabbavaram Mandal, Anakapalli (Erstwhile Visakhapatnam) District.
6. The Secretary, Gollapalem Gram Panchayat, Gollapalem, Sabbavaram Mandal, Anakapalli (Erstwhile Visakhapatnam) District.

(Addressees 3 to 6 by RPAD)

7. One CC to SRI. K JYOTHI PRASAD Advocate [OPUC]
8. Two CCs to GP FOR PANCHAYAT RAJ RURAL DEV ,High Court of Andhra Pradesh. [OUT]
9. Two CCs to GP FOR REVENUE, High Court of Andhra Pradesh [OUT]
10. One CC to SRI Y.KOTESWARA RAO, Standing Counsel [OPUC]
11. **One spare copy**

PSR

HIGH COURT

TRR,J

DATED:24/02/2025

NOTE: List the matter after four weeks.

ORDER

WP.No.4097 of 2025

INTERIM DIRECTION

